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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,350	06/26/2001	Carrel W. Ewing	MLF-600-13	3551
24197	7590	03/15/2006		
KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,350	EWING ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1-13 have been amended. Claims 1-13 are presented for further examination.
- 2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11.23.2005 has been entered.

Response to Arguments

- 4> Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1 and 3-13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Nierlich et al, U.S Patent No. 6,519,509 ["Nierlich"] in view of Karanam et al, U.S Patent No. 6,266,713 ["Karanam"].

6> Nierlich was cited in the Office Action, filed 11.12.2004. Karanam was cited in the previous Office Action.

7> As to claim 1, Nierlich discloses a reconfigurable network-equipment power-management system, comprising:

a power-distribution apparatus having a power input disposed in the power-distribution apparatus and a communication interface disposed in the power-distribution apparatus for communicating with a remote user system [abstract | column 3 «lines 27-39» where : Nierlich's E1-2000, with power curtailment functionality, corresponds to claimed power-distribution apparatus and Nierlich's management device corresponds to claimed remote user system];

a plurality of power-control outlets disposed in the power-distribution apparatus, the plurality of power-control outlets connectable in power supply communication with one or more separate electronic appliances [column 4 «lines 13-34»];

a plurality of power-control relays disposed in the power-distribution apparatus, each of the plurality of power-control relays in power control communication with at least one among the plurality of power-control outlets, whereby the plurality of power-control outlets and the plurality of power-control relays provide operating power to the one or more separate

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electronic appliances are able to interrupt the operating power to the one or more separate electronic appliances [column 4 «lines 13-34» | column 7 «lines 16-33» | column 12 «lines 11-19»];

a user configuration file accessible by the remote user system for affecting the plurality of power-control outlets [column 6 «line 60» to column 7 «line 15» where : Nierlich's curtailment instructions correspond to claimed user configuration file];

a memory disposed in the power-distribution apparatus and having a user configuration file storage area [column 3 «lines 53-62» | column 5 «lines 19-30» | column 6 «line 60» to column 7 «line 15»]; and

a user configuration file transfer mechanism in communication with the communication interface accessible by the remote user system, whereby the user configuration file transfer mechanism imports the user configuration file from the power-distribution apparatus to the remote user system via the communication interface [column 6 «line 60» to column 7 «line 48»].

Nierlich does not expressly disclose exporting the user configuration file from the power-distribution apparatus to the remote user system.

8> In the same field of invention, Karanam improves Nierlich by providing an exporting capability in Nierlich's communication interface. It should be noted here that it is well known in the art that a communication interface over a network such as one taught by Nierlich is traditionally a two-way street, providing both download and upload capability.

Karanam specifically teachings that a configuration file may be exported from a

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power apparatus to the remote user system, which allows a user to edit the user configuration file [column 5 «lines 1-39» | claims 19 and 20]. Thus, it would have been obvious to modify Nierlich to include Karanam's export capability into Nierlich's communication interfaces. One would have been modified to provide such a combination to enable Nierlich's remote user with the ability to retrieve files from the power distribution apparatus and edit them [see Karanam, abstract].

9> As to claim 3, Nierlich discloses transferring command (configuration information) and a user configuration file transfer mechanism [column 6 «line 60» to column 7 «line 48» | column 12 «lines 26-49» | column 14 «lines 35-49»] but does not explicitly disclose a command mechanism whereby the command mechanism recognizes a user command to upload the user configuration file from the memory to a destination.

10> Karanam discloses a command mechanism whereby the command mechanism recognizes a user command to upload the user configuration file from the memory to a destination. [Figure 20 | column 4 «lines 26-28» | column 5 «lines 1-39» | column 14 «lines 32-61»]. It would have been obvious to one of ordinary skill in the art to modify Nierlich's transfer mechanism to include Karanam's command mechanism to enable a user of Nierlich's device with the ability to upload the information.

11> As to claim 4, Nierlich discloses transferring command (configuration information) as well as downloading user configuration information to the power-distribution apparatus as

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a substitute to a memory in the power distribution apparatus [column 6 «line 60» to column 7 «line 48» | column 12 «lines 26-49» | column 14 «lines 35-49»], but does not explicitly disclose a command mechanism in communication with the user configuration file transfer mechanism, whereby the command mechanism recognizes a user command to perform said downloading.

12> Karanam discloses a command mechanism that recognizes a user command to perform said downloading [Figure 20 | column 4 «lines 26-28» | column 5 «lines 1-39» | column 14 «lines 32-61»]. It would have been obvious to one of ordinary skill in the art to modify Nierlich's transfer mechanism to include Karanam's command mechanism to enable a user of Nierlich's device with the ability to download the information.

13> As to claim 5, Nierlich does not explicitly disclose an integrity-checking application that checks the integrity of a substitute user configuration file downloaded to the memory disposed in the power-distribution apparatus and facilitates rejection of a corrupted file transfer.

14> Karanam discloses an integrity-checking application that checks the integrity of a substitute user configuration file downloaded to the memory disposed in the power-distribution apparatus and facilitates rejection of a corrupted file transfer [column 14 «lines 60-61» where : Karanam implicitly suggests that the file is not accepted if the file does not have proper syntax]. It would have been obvious to one of the ordinary skill in the art to

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include Karanam's file integrity checker to insure that configuration information and parameters that are transferred to Nierlich's power supply device are proper and valid. Thus, Karanam's file integrity check clearly improves Nierlich.

15> As to claim 6, Nierlich does not explicitly disclose an integrity-checking application that checks integrity of a substitute user configuration file downloaded to the memory disposed in the power-distribution apparatus and facilitates adoption of an acceptable file transfer.

16> Karanam discloses an integrity-checking application that checks integrity of a substitute user configuration file downloaded to the memory disposed in the power-distribution apparatus and facilitates adoption of an acceptable file transfer [column 14 «lines 60-61»]. It would have been obvious to one of the ordinary skill in the art to include Karanam's file integrity checker to insure that configuration information and parameters that are transferred to Nierlich's power supply device are proper and valid.

17> As to claim 7, Nierlich does not explicitly disclose an editor application that allows for modification of the user configuration file into a substitute user configuration file.

18> Karanam discloses an editor application that allows for modification of the user configuration file into a substitute user configuration file [column 14 «lines 48-56» | column 17 «lines 40-49»]. It would have been obvious to one of ordinary skill in the art to modify

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Nierlich to include an editor for configuration information to enable a user to edit and create the software updates that are suggested by Nierlich [column 6 «line 60» to column 7 «line 15»].

19> As to claim 8, Nierlich discloses configuration information to control said plurality of power-control ports [column 6 «line 60» to column 7 «line 15»] but does not explicitly disclose an editor application that allows for modification of the user configuration file into a substitute user configuration file.

20> Karanam discloses an editor application that allows for modification of the user configuration file into a substitute user configuration file [column 5 «lines 1-39» | column 8 «lines 11-23» | column 14 «lines 48-56» | column 17 «lines 40-49»]. It would have been obvious to one of ordinary skill in the art to modify Nierlich to include an editor application for configuration information to enable a user to edit and create the software updates that are suggested by Nierlich [column 6 «line 60» to column 7 «line 15»].

21> As to claim 9, it does not teach or further define over the limitations of claims 2-8. Therefore, claim 9 is rejected for the same reasons set forth in claims 2-8, supra.

22> As to claims 10-12, they do not teach or further define over the limitations of claims 1 and 5-8. Therefore, claims 10-12 are rejected for the same reasons set for claims 1 and 5-8.

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23> As to claim 13, Nierlich discloses a remote power manager system in communication with a distal power manager application through a separate data communications network [column 3 «lines 27-52»], the remote power manager system comprising in combination:

a remote power manager having a power input connectable to the power network, a plurality of power-control power output ports connectable to the associated electronic devices [column 3 «lines 27-52» | column 3 «line 63» to column 4 «line 20»], a power controller in controlling communication with the plurality of power-control power output ports [column 3 «lines 27-30» | column 3 «line 63» to column 4 «line 20»], a data communications network port system in communication with the power controller and being connectable to said data communications network [column 3 «lines 9-26»], and a power manager memory providing storage for a user configuration file [column 5 «lines 18-30»].

Nierlich discloses a user configuration file transfer application providing for selectably importing a user configuration file from the distal power manager application through the data communications port system to the power manager memory [column 6 «line 60» to column 7 «line 15»], but does not expressly disclose exporting the user configuration file from the power manager memory through the data communications network port system to the distal power manager application over the data communications network.

24> Karanam discloses a user configuration file transfer application providing exporting said user configuration file from said power manager memory through said data communications network port system to said distal power manager application over said data

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communications network [Figure 5 | column 5 «lines 1-39» | column 17 «lines 38-49» | claims 19 and 20]. It would have been obvious to one of ordinary skill in the art to have modified Nierlich with Karanam's user configuration file transfer application for exporting files to selectably configure Nierlich's power supply device. One would have been motivated to provide such an implementation in Nierlich to enable the power supply to be updated and configured for new devices.

25> Claim 2 is rejected under 35 U.S.C § 103(a) as being unpatentable over Nierlich and Karanam, in further view of Potega, U.S Patent No. 6,459,175.

26> As to claim 2, Nierlich does not expressly disclose a network agent for converting software commands communicated as TCP/IP packets into signals.

27> Nierlich does disclose utilizing TCP/IP packets for controlling a remote power manager and commands [column 12 «lines 26-49» | column 14 «lines 35-49»]. Potega discloses a network agent in communication with a remote power manager whereby the network agent converts software commands communicated as TCP/IP packets into signals that can be understood by the remote power manager [column 31 «lines 5-8» | column 37 «lines 35-42»]. It would have been obvious to one of ordinary skill in the art to incorporate Potega's network agent into Nierlich's system such that Nierlich's system may be controllable by packets directed specifically to network devices.

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28> Claims 1 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Potega, in view of Nierlich, in further view of Karanam.

29> As to claim 1, Potega discloses a reconfigurable network-equipment power-management system, comprising:

a power-distribution apparatus having a power input disposed in the power-distribution apparatus and a communication interface disposed in the power-distribution apparatus for communicating with a remote user system [column 30 «line 49» to column 31 «line 45» where : Potega's power supply corresponds to a power controller apparatus and the remote MCU corresponds to a remote user system];

a plurality of power-control outlets disposed in the power-distribution apparatus, the plurality of power-control outlets connectable in power supply communication with one or more separate electronic appliances;

a plurality of power-control relays disposed in the power-distribution apparatus, each of the plurality of power-control relays in power control communication with at least one among the plurality of power-control outlets, whereby the plurality of power-control outlets and the plurality of power-control relays provide operating power to the one or more separate electronic appliances are able to interrupt the operating power to the one or more separate electronic appliances [column 40 «lines 16-39» | column 42 «lines 4-31»]; and

a memory disposed in the power-distribution apparatus and having a user configuration file storage area [column 63 «lines 39-46»].

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Potega suggests transferring configuration information from a remote location and for affecting the plurality of power-control ports [column 31 «lines 5-8»] as well as a file transfer mechanism accessible by the remote user system [column 30 «line 63» to column 31 «line 8»] but does not explicitly disclose a user configuration file accessible by the remote user system for affecting the plurality of power-control ports and a file transfer mechanism that is for importing and exporting the user configuration file from the power-controller apparatus to the remote user system via the serial interface.

30> Nierlich discloses a user configuration file accessible by the remote user system for affecting the plurality of power-control outlets and importing the configuration file to the power-distribution apparatus from the remote user system [column 6 «line 60» to column 7 «line 15» where : Nierlich's curtailment instructions correspond to claimed user configuration file].

Karanam discloses a file transfer mechanism accessible by the remote user system for importing and exporting the user configuration file from the power-controller apparatus to the remote user system via the serial interface [column 4 «lines 20-28» | column 5 «lines 1-41» | column 7 «lines 2-11» | column 8 «lines 11-23» | column 17 «lines 33-49»].

It would have been obvious to one of ordinary skill in the art to modify Potega's power management system to include user configurable information as well as the ability to export and import said information. One would have been motivated to provide such an implementation in Potega to enable user control over the power supply device and to enhance

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the communication between the connected devices in the power network, a functionality suggested by Potega [column 31 «lines 9-45»]).

31> As to claim 13, Potega discloses a remote power manager system in communication with a distal power manager application through a separate data communications network [column 30 «line 63» to column 31 «line 11»], the remote power manager system comprising in combination:

a remote power manager having a power input connectable to the power network that provides power to be distributed to associated network devices [column 31 «lines 24-45»], a plurality of power-control power output ports connectable to the associated electronic devices [column 6 «lines 16-39»], a power controller in power controlling communication with the plurality of power-control power output ports [column 31 «lines 31-45»], a data communications network port system in communication with the power controller and being connectable to the data communications network [claim 26], and a power manager memory providing storage for a user configuration file [column 63 «lines 39-46»].

Potega discloses a remotely controllable and updateable power supply device but does not explicitly disclose a user configuration file transfer application providing for selectably importing a user configuration file from said distal power manager application through said data communications port system to said power manager memory, or exporting said user configuration file from said power manager memory through said data communications network port system to said distal power manager application over said data communications network.

32> Nierlich discloses a user configuration file accessible by the remote user system for affecting the plurality of power-control outlets and importing the configuration file to the power-distribution apparatus from the remote user system [column 6 «line 60» to column 7 «line 15» where : Nierlich's curtailment instructions correspond to claimed user configuration file].

Karanam discloses exporting said user configuration file from said power manager memory through said data communications network port system to said distal power manager application over said data communications network [Figure 5 | column 5 «lines 1-39» | column 17 «lines 38-49» | claims 19 and 20]. It would have been obvious to one of ordinary skill in the art to have modified Potega with Nierlich and Karanam's user configuration file transfer applications to selectably configure Potega's power supply device. One would have been motivated to provide such an implementation in Potega to enable the power supply to be updated and configured for new devices.

Conclusion

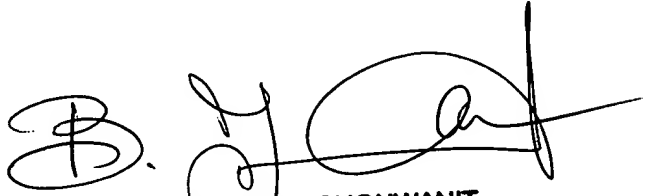
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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DC



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